

REMARKS

Claims 1 and 4-14 stand rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Office Publication No. 0 485 634 to Aya in view of United States Patent No. 6,581,160 to Harada et al. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references fail to disclose or suggest all of the features of the present invention. More specifically, neither the Aya reference nor the Harada et al. reference, alone or in combination, discloses or suggests a storage apparatus that uses a storage medium that includes, *inter alia*, a second region for storing therein both use permission discrimination information and use limit information (or use limit number information), as defined in independent Claims 1, 7, 11 and 13. Further, Applicants also respectfully submit that the cited references, alone or in combination, also fail to disclose or suggest that the use limit information (or the use limit number information) should be rewritten on the second region of the storage medium, as also defined in independent Claims 1, 7, 11 and 13.

The storage medium of the present invention is divided into at least two regions--a first region for storing data and a second region for storing both use permission discrimination information and use limit information. The use permission discrimination information indicates permission for a predetermined access operation, and one example of such information is a password (see e.g., Applicants' Figure 3, showing a password as the use permission discrimination information 210). On the other hand, use limit information is information such as: (1) use allowed/not allowed state information (such as binary

information indicating a non-accessible state by “0” and an accessible state by “1”) and/or (2) use number of times limit information (i.e., a counter indicating a number of permitted uses). It should be noted that this second type of use limit information (the counter indicating a permitted number of uses) is also referred to as “use limit number information” in Claims 7 and 13.

In one example of the present invention, Applicants’ Figure 3 depicts use limit information 220 that includes both use allowed/not allowed information (flag) 221 and use number of times limit information (counter) 222 (“use limit number information”).

In contrast, assuming *arguendo* that the application software of the Aya reference can be considered as the claimed storage medium, the device of the Aya reference appears to only include one type of information, the secret code (SPC), which appears to be similar to the claimed permission discrimination information. However, the software of the Aya reference lacks information that corresponds to the claimed use limit information described above.

The Examiner appears to be equating the key code (KEY1) of Figure 5A of the Aya reference with the claimed use limit information and the use limit number information. However, KEY1 of Aya is a key code used for changing the secret code (SPC) to a different secret code, i.e., KEY1 in Aya is used to change the password to a new password. Thus, the keycode (KEY1) in Aya does not correspond to the claimed use limit information or to the claimed use limit number information.

Further, the key code (KEY1) in Aya cannot be considered as the claimed use limit information of Claims 1 and 11 because KEY1 is not rewritten into information indicative of an access allowed condition (such as flag 221 of Applicants' Figure 3). Instead, KEY1 of Aya is the code that allows the secret code (SBC) to be rewritten to a new secret code.

Nor can the key code (KEY1) in Aya be considered as the claimed use limit number information of Claims 7 and 13 because KEY1 is not number information, such as from a counter (as defined in new dependent Claims 16 and 18). Instead, as mentioned above, KEY1 of Aya is the code that allows the secret code (SBC) to be rewritten.

Further, the Harada et al. reference does not remedy the deficiencies mentioned above. Initially, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Harada et al. with the Aya reference in the manner suggested by the Examiner. The Aya reference relates to preventing the copying of software within an electronic cash register. In contrast, the Harada et al. reference relates to preventing unauthorized copying of the contents of a portable storage medium after music or other information has been recorded thereon through a network, such as the internet. The Aya reference fails to even include a portable medium similar to that in Harada et al. Accordingly, for at least this reason, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Harada et al. with Aya in the manner suggested by the Examiner.

Additionally, even assuming *arguendo* that Harada et al. and Aya could be combined, Applicants respectfully submit that the proposed combination still fails to include the claimed use limit information of independent Claims 1 and 11 and the claimed use limit number information of independent Claims 7 and 13. Instead of such information, the device of Harada et al. includes various keys (such as a master media key, a media key, a license decrypting key) and revocation information (which is a list of devices from which authorization has been revoked). Neither of these types of information correspond to the claimed use limit information or the use limit number information. Accordingly, as all of the features of independent Claims 1, 7, 11 and 13 are not disclosed or suggested in Aya and Harada et al., Applicants respectfully request the withdrawal of this §103 rejection of independent Claims 1, 7, 11 and 13 and associated dependent Claims 4-6, 8-10, 12 and 14.


Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Office Publication No. 0 485 634 to Aya in view of United States Patent No. 6,581,160 to Harada et al. and further in view of United States Patent No. 6,249,838 to Kon. Applicants respectfully traverse this rejection.

Claims 2 and 3 both depend from independent Claim 1, and therefore include all of the features of Claim 1, plus additional features. Accordingly, Applicants respectfully request that this § 103 rejection of dependent Claims 2 and 3 be withdrawn considering the above remarks directed to independent Claim 1, and also because the Kon reference does not remedy the deficiencies discussed above, nor was it relied upon as such.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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